

**LOCAL BANKRUPTCY RULE 7026-1****EARLY MEETING OF COUNSEL**

In all proceedings governed by Part VII of the Federal Rules of Bankruptcy Procedure, the parties shall comply with all applicable provisions of the Federal Rules of Bankruptcy Procedure, including without limitation Federal Rule of Bankruptcy Procedure 7026, and this Local Bankruptcy Rule. The plaintiff shall serve with the summons and complaint a notice that compliance with Federal Rule of Bankruptcy Procedure 7026 and this Local Bankruptcy Rule is required. The plaintiff shall file a proof of service of this notice together with proof of service of the summons and complaint.

Unless all defendants default, the parties shall conduct the meeting and exchange the information required by Federal Rule of Bankruptcy Procedure 7026 within the time limits set forth therein and shall prepare and file within 7 days after such meeting a Joint Status Report containing the information set forth in Local Bankruptcy Rule 7016-1(a)(2), which report shall serve as the written report of such meeting required by Federal Rule of Bankruptcy Procedure 7026.

~~(a) — TIME OF EARLY MEETING~~

~~In all proceedings governed by Part VII of the F.R.B.P. in which plaintiff estimates that trial will exceed 4 hours or where the matter in controversy exceeds the sum or value of \$10,000 exclusive of interest and costs, the parties shall comply with this Local Bankruptcy Rule, unless all defendants have defaulted. The plaintiff shall serve with the summons and complaint, a notice that compliance with this Local Bankruptcy Rule is required. The plaintiff shall file the proof of service of the notice together with the proof of service of the summons and complaint. Counsel for the parties shall meet in person or by telephone for the purposes set forth below. Such meeting shall take place no later than 5 days after the date all defendants have appeared or defaulted or 60 days from the date of the first appearance of any defendant, whichever occurs first. Where there are multiple defendants, counsel for the plaintiff shall take all reasonable steps to schedule the meeting or conference call so that counsel for all parties can attend. Where necessary in multi-defendant cases and upon a showing of good cause, counsel may apply for 1 reasonable extension of time within which to hold the early meeting.~~

~~(b) — PURPOSE OF MEETING~~

~~At the meeting required by this Local Bankruptcy Rule, the parties shall:~~

- ~~(1) — Documents. Exchange all documents then reasonably available to a party which are then contemplated to be used in support of the allegations of the pleadings filed by the party. Relevant documents later shown to be reasonably available to a party and not exchanged may be subject to exclusion at the time of trial.~~
- ~~(2) — Discovery. Exchange preliminary schedules of discovery.~~
- ~~(3) — Other Evidence. Exchange any other evidence then reasonably available to a party to obviate the filing of unnecessary discovery motions.~~
- ~~(4) — List of Witnesses. Exchange a list of witnesses then known to have knowledge of the facts supporting the material allegations of the pleading filed by the party. The parties will then be under a continuing obligation to advise the opposing party of other witnesses as they may become known.~~
- ~~(5) — Settlement. Discuss settlement of the proceeding.~~

~~See also Local Bankruptcy Rule 9013-1(c): MOTIONS (EXCEPT REJECTION OF COLLECTIVE BARGAINING AGREEMENTS), DISCOVERY.~~

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Court's Comment

2001 Revision

This revised rule is included to avoid confusion. F.R.Civ.P. 26 was amended effective December 1, 2000, so as to prevent any district from opting out of certain of its provisions. All sections of F.R.Civ.P. 26 made applicable by F.R.B.P. 7026 in adversary proceedings and contested matters shall be observed.

1998 Revision

Paragraph (a) TIME OF EARLY MEETING. *5 days after* was inserted into the fifth sentence.

Cross-reference to Local Bankruptcy Rule 9013-1(c) added.